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*Attorneys for Defendants Nationstar Mortgage,
LLC and Wells Fargo Bank, N.A., as Trustee For
Structured Adjustable Rate Mortgage Loan Trust,
Series 2007-3*

Hon. Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

BRETT DIFFLEY, an unmarried man

Case No. 2:17-cv-01370-RSM

Plaintiff,

DECLARATION OF MICHAEL
KAPAUN IN SUPPORT OF
DEFENDANTS NATIONSTAR
MORTGAGE LLC and WELLS FARGO
BANK N.A.’S MOTION TO DISMISS
PLAINTIFF’S COMPLAINT

NATIONSTAR MORTGAGE LLC, a foreign corporation, QUALITY LOAN SERVICE CORPORATION OF WASHINGTON, a Washington corporation, WELLS FARGO BANK, N.A., as Trustee For Structured Adjustable Rate Mortgage Loan Trust, Series 2007-3.

Defendants.

I, Michael J. Kapaun, declare and state as follows:

1. I am an attorney with the law firm Witherspoon Kelley, counsel of record for

Defendants Nationstar Mortgage, LLC ("Nationstar") and Wells Fargo Bank, N.A. ("Wells

DECLARATION OF MICHAEL J. KAPAUN IN
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Attorneys & Counselors

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Fargo") in this matter. I am over the age of 18, competent to testify and have personal knowledge of the matters set forth in this Declaration. I make this Declaration in support of Defendants Nationstar Mortgage, LLC and Wells Fargo Bank, N.A.'s Motion to Dismiss Plaintiffs' Complaint.

2. Attached hereto as Exhibit 1 is a true and correct copy of the Corrective Assignment of Deed of Trust recorded on January 5, 2016, in King County, Washington, Instrument Number 20160105000317.

3. Attached hereto as Exhibit 2 is an Appointment of Successor Trustee dated March 22, 2016, wherein Nationstar, as attorney-in-fact for Wells Fargo, appointed Quality Loan Service Corporation of Washington (“QLS”) as the successor trustee under the DOT. Kapaun Decl. Exhibit 2 (Appointment of Successor Trustee).

4. Attached hereto as Exhibit 3 is the Notice of Trustee's Sale recorded by QLS scheduling a sale of the property that is the subject of the lawsuit for September 29, 2017.

I declare under penalty of perjury under the laws of the United States and the State of Washington that the foregoing is true and correct.

Executed at Spokane, Washington this 16th day of October, 2017.

s/Michael J. Kapaun
Michael J. Kapaun, WSBA # 36864

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SUPPORT OF DEFENDANTS NATIONSTAR
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CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of October, 2017,

1. I caused to be electronically filed the foregoing DECLARATION OF MICHAEL J. KAPAUN IN SUPPORT OF DEFENDANTS NATIONSTAR MORTGAGE LLC and WELLS FARGO BANK, N.A.'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

Vicente Omar Barraza
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Attorney for Plaintiff

Robert W. McDonald
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Seattle, WA 98104
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Attorney for Defendant Quality Loan Service Corporation of Washington

2. I hereby certify that I have caused to be mailed by United States Postal Service the foregoing document to the following non-CM/ECF participants at the addresses listed below: None

3. I hereby certify that I have mailed by United States Postal Service the foregoing document to the following CM/ECF participants at the address listed below: None.

4. I hereby certify that I have hand-delivered the foregoing document to the following participants at the addresses listed below: None.

s/ Michael J. Kapaun
Michael J. Kapaun, WSBA # 36864

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